

**MINUTES
CITY OF EDINA, MINNESOTA
PLANNING COMMISSION
CITY COUNCIL CHAMBERS
MAY 9, 2012
7:00 P.M.**

I. CALL TO ORDER

Chair Grabiell called the meeting of the Edina Planning Commission to order at 7:00 PM.

II. ROLL CALL

Answering the roll call were Commissioners Scherer, Forrest, Schroeder, Rock, Platteter, Cherkassky, Carpenter, Fischer, Grabiell

Absent from the roll: Potts

III. APPROVAL OF MEETING AGENDA

Meeting Agenda was approved as submitted.

IV. COMMUNITY COMMENT

No comments.

V. PUBLIC HEARING

A. Front Yard Setback Variance – Kristi Wenner – 5025 Nob Hill, Edina, MN

Planner Presentation

Planner Aaker informed the Commission the subject property is located on the west side of Nob Hill Road consisting of a vacant lot. The property owner is hoping to sell the lot for the construction of a new home.

Planner Aaker explained that this proposal had been on the April 25, 2012, Planning Commission agenda for a 42.45 foot front yard setback variance requested for the property to allow a two-story walk out with an attached three car garage to be located 25 feet from the front lot line. Upon meeting and discussing the plan with surrounding neighbors, the proponents have adjusted their request by pushing the home back an additional 10 feet to provide a 35 foot front yard setback for the new home. The proponents and the neighbors agreed that a deeper front yard setback would be more inkeeping with the character of the neighborhood. The house plans

remain the same as originally proposed.

Planner Aaker pointed out that the ordinance requires the new home maintain the average front yard setback of the two adjacent homes. The average front yard setback for the subject lot is 67.45 feet based on the average between 5023 Knob Hill to the south, which is located at 24.8 feet from their front lot line and 5027 Nob Hill just north of the subject property located 110.1 feet from their front lot line.

Concluding, Planner Aaker said staff recommends that the Planning Commission approve the variance. Staff recommended approval of the previous request with supporting information included in the April 25, 2012, Planning Report. Conditions have not changed on the property. Staff continues to support the requested front yard setback variance, noting that the plans presented should be considered placeholders; the house is a two-story home and the footprint, building remain the same; however the finishes of the house could change.

Approval is based on the following findings:

- 1) With the exception of the variance requested, the proposal would meet the required standards and ordinances for the R-1, Single Dwelling Unit District.
- 2) The proposal would meet the required standards for a variance, because:
 - a. The proposed use of the property is reasonable; as it is consistent with surrounding properties and is similar to the nonconforming setback of the neighbor to the south.
 - b. The practical difficulty is the steep topography of the lot.
- 3) The imposed setback limits design opportunity. The intent of the ordinance is to provide adequate spacing from the street. The proposed home will be farther back from the street than the home to the south that received a front yard setback variance for similar circumstances.

Approval is also subject to the following conditions:

- 1) Subject to staff approval, the site must be developed and maintained in substantial conformance with the following plans, unless modified by the conditions; survey date stamped: April 30, 2012 and building plans and elevations date stamped March 30, 2012.

Appearing for Applicant

Kristi and Zack Wenner, property owners and Scott Loehrer, builder.

Discussion

Commissioner Platteter asked Planner Aaker what the drop in elevation was from front to back. Aaker responded that the property drops off dramatically from the front of the lot toward the back, adding at certain points there is a 45-foot difference.

Commissioner Schroeder asked Planner Aaker to clarify the meaning of "placeholder". Planner Aaker clarified that the building footprint on the lot (setback 35-feet), building height and building mass remain as presented; however, exterior finishes and other design elements etc. could change.

Applicant Presentation

Zack Wenner addressed the Commission and stated that his family looks forward to building a new home in Edina. Wenner said they were very excited in finding this lot; however, he acknowledged the lot does have its challenges. Wenner said the drop in grade prevents the new home from being constructed at a conforming front yard setback; therefore they are requesting a variance.

Scott Loehrer, Greenwood Design Build, LLC told the Commission he and the Wenner's worked with the neighbors in coming to an agreement regarding the front yard setback. Loehrer stood for questions from the Commission.

Continued Discussion

Commissioner Fischer asked Mr. Loehrer if the building plan was a standard building plan. Mr. Loehrer responded that this home was custom designed. It's not a standard template, adding the home was designed for the lot.

Chair Grabiell asked if anyone from the public would like to speak to the issue; being none Commissioner Platteter moved to close the public hearing. Commissioner Scherer seconded the motion. All voted aye; motion carried.

Commissioner Carpenter commended the applicants for working with the neighbors to find an agreeable solution. Continuing, Carpenter said in his opinion the request is reasonable and under the circumstances he can support granting the front yard setback variance.

Commissioner Schroeder referred to staff conditions outlined in the staff report and suggested an amendment that reads that the site must be developed according to the building height, building footprint and building mass as exhibited on the plans.

Public testimony was requested by members of the audience. Chair Grabiell welcomed testimony.

Public Testimony

Tom Valdivia, 5027 Nob Hill reported he is the neighbor to the north with the deep setback that created the need for a variance. Valdivia submitted a revised drawing of the proposed house and said he prefers this sketch to the sketch submitted to the Commission for their review.

Commissioner Schroeder said in general terms the revised sketch is the same as received in

the packet; both are drawings of two-story homes that appear to be similar in scale and mass.

Mr. Loehrer acknowledged the difference between the computer renderings received by the Commission and the hand drawn sketch that was given to the neighbors. Loehrer said the footprint, height and mass remain the same.

Chair Grabiell asked Mr. Loehrer if he would agree to adding as a condition of approval that the house built must be similar in height, footprint and building mass to the one presented. Mr. Loehrer responded he would be fine with that condition.

Edith Ries, 5012 Nob Hill, said she wants to make sure that the house that is built on this lot is the house presented on the hand drawn sketch; not the computer generated drawing.

Commissioner Schroeder responded that the role of the Commission isn't to dictate design; however the Commission can ensure that the buildings height, footprint and mass remain as presented.

Motion

Commissioner Carpenter moved variance approval based on staff findings and subject to the condition that the house constructed is built with the same footprint, building height and mass as presented. Commissioner Scherer seconded the motion. All voted aye; motion carried.

VI. REPORTS AND RECOMMENDATIONS

Zoning Ordinance Amendments:

Drive-Through Facilities

Planner Presentation

Planner Teague asked the Commission to recall past discussions on Drive Through Facilities. Teague noted that Julie Risser of the Energy and Environment Commission (EEC) along with other EEC Commissioners drafted a zoning ordinance amendment that would eliminate restaurants from having drive-through facilities in the PCD-1 Zoning District. Continuing, Teague explained that to simplify the Ordinance, the conditions that were previously suggested to apply to all drive-through facilities have been eliminated. This elimination returns the ordinance to its original conditions prior to the requested drive-through at Valley View and Wooddale, that was never constructed. Concluding, Teague said that tonight the Commission can choose to return the ordinance to its original form or consider adding conditions like requiring all drive-through facilities to need to obtain a Conditional Use Permit.

Discussion

Commissioner Platteter said in his opinion the best way to handle drive-through facilities may be through the Conditional Use Permit process (CUP). Platteter said that regardless of the zoning designation of the site a CUP would be required to add a drive-through window.

Commissioner Carpenter said he agrees with that comment, adding that drive-through facilities could be customized to each location through the CUP process. The CUP process would also be a good management tool.

Chair Grabiell asked Planner Teague how the stacking space requirements are enforced. Planner Teague explained that each drive-through facility would be required to provide a specific number of stacking spaces. If the site couldn't provide those spaces there would be no drive-through facility unless a variance was granted. Enforcement wouldn't be an issue if stacking spaces are met or a variance was granted..

Commissioner Schroeder referred to code language under "Drive-through Facility Standards." A. Number of stacking spaces in addition to the vehicle(s) being served. 1 Financial institution: 3 stacking spaces per bay. Schroeder questioned if the 3 stacking spaces per bay are the minimum or maximum number of spaces required. Planner Teague responded that he believes it refers to the minimum; however, it's a good point that may need further clarification.

Chair Grabiell asked Commissioners if they want to continue this discussion to a later time or move the amendment forward on only the issue of drive-through windows in the PCD-1 zoning district as requested by the EEC.

Commissioner Carpenter said he would be interested in hearing from Ms. Risser, adding Commissioners could support the amendment before us repealing drive-through windows in the PCD-1 zoning district and continue the discussion on how to address drive-through windows in other zoning districts. Continuing, Carpenter asked Planner Teague if staff supports the repeal. Teague responded in the affirmative.

Commissioner Fischer said if he's looking at the language correctly the amendment is bringing the code back to its original language before drive-through windows were added as a permitted use in the PCD-1 zoning district. Continuing, Fischer said he was also interested in discussing the topic further, adding the idea of allowing drive-through windows through the Conditional Use process make sense.

Planner Teague reported Commissioner Fischer was correct; the amendment before the Commission this evening restores the code to its original language. Teague asked Commissioners to recall that the Ordinance was amended to allow drive-through windows in the PCD-1 zoning district to facilitate the redevelopment of a site to include a restaurant on Wooddale/Kellogg. Teague said since that approval and ordinance language change the applicant requesting that change withdrew their proposal; however the

Ordinance remains as amended.

A discussion ensued on if the Commission should adopt the Ordinance amendment before them or discuss the issue further.

Commissioner Schroeder commented that if the Commission decides to adopt the Ordinance as written it could also be amended to include requiring a PUD process if an establishment located in the PCD-1 zoning district desires to have a drive-through window; otherwise it's not a permitted use.

Chair Grabiell directed staff to refashion the Ordinance based on the discussion. Planner Teague said he would be happy to and asked if the Commission wants him to also research adding drive-through as a conditional use. Chair Grabiell responded in the affirmative.

Energy Generation Systems

Planner Presentation

Planner Teague asked the Commission to recall past discussion on energy generation systems and referred to the revised Ordinance regarding energy generation systems. Teague pointed out that the Ordinance accomplishes defining systems, adding energy collection systems are a permitted use in all zoning districts and establishes setbacks, height and noise regulations.

Commissioner Scherer referred to the condition limiting height to 12-feet above the highest point of the structure and asked Planner Teague how he arrived at that number. Planner Teague responded that condition is consistent with the City's ordinance on antenna height. Scherer commented that in her opinion 12-feet was pretty high depending on the roof height. Teague also reported that 18-feet is the height allowed for accessory structures

Chair Grabiell commented that anything mounted on a roof; especially a turbine would have to be high enough to prevent injuries, etc. Commissioners agreed.

Commissioner Forrest pointed out that usually wind generators need to be above the tree line in order to be most effective. She added that any roof mounted system would also need support structures to ensure stability. Continuing, Forrest noted that educational and/or financial facilities may use roof mounts; however, single family homes may not. Forrest also said she supports the idea of having this ordinance compatible with the City's other ordinances.

Commissioner Platteter suggested that the City require a Conditional Use Permit for energy generation systems. Commissioner Forrest agreed that's a good idea; especially for schools and financial institutions. Planner Teague also suggested the variance process could also be used as a tool

Commissioner Carpenter asked Planner Teague if the City's noise ordinance was sufficient to address these new systems or should the EEC take a look at noise. Planner Teague said the Health Department enforces the noise ordinance and Edina has adopted State requirements.

Commissioner Staunton said he observed that the Ordinance uses different terms to define energy systems; adding in his opinion it should be uniform; either Energy Generation Systems or Energy Collection Systems. Commissioners agreed.

Commissioner Forrest asked for clarification on setbacks pointing out corner lots and large commercial lots could be difficult. Teague explained that the energy systems must maintain the same setbacks as are required for principal building or structures in the underlying zoning district. Teague also noted that energy systems can't be located in the front yard. Rapidly changing field don't want to be too restrictive.

Commissioner Platteter said front yard may need to be defined or clarified more. He said the City needs to encourage sustainability while remaining reasonable.

Commissioner Carpenter said it appears to him that it's necessary that the City have some control. Commissioners agreed.

Commissioner Schroeder expressed concern with on-site consumption, and questioned if any excess energy could be sold to the neighbors or back to the utility company. Schroeder wondered if this was a concern and something that needs further discussion and clarification. The discussion ensued with Commissioners acknowledging that potential; however, Commissioners didn't believe the Ordinance should encourage it. It was also noted that excess energy would probably go back into the grid.

The discussion continued with Commissioner suggesting that the City refer to other communities to see how they regulate energy systems. It was also noted that energy systems are continually changing and the City needs to keep pace with these changes.

Chair Grabiell said it appears the EEC should take another look at the proposed Ordinance and clarify certain aspects. The Commission also expressed interest in meeting again with the EEC.

Subdivision of lots less than 9,000 square feet in area and 75-feet in width

Planner Presentation

Planner Teague informed the Commission this topic was discussed by the Planning Commission last on January 25, 2012. Teague said the general consensus of the Planning Commission at that time was to consider an Ordinance Amendment that established the

minimum lot size in Edina to be consistent across the R-1 Zoning District.

Chair Grabiell informed the Commission he read a recent article in the Star & Tribune on "in-fill" housing. Grabiell said that the article referred to "in-fill" housing as a way to prevent blight in older neighborhoods. Grabiell said he thinks the City needs to take a more positive approach to encourage in-fill development.

Commissioner Carpenter noted there are a fair amount of 50-foot lots in Edina, adding there is no way the City can prevent development or redevelopment of these lots. Commissioners agreed if a new house meets setbacks tear down and rebuild can occur.

Commissioner Scherer said with regard to subdivision the Ordinance has stipulated the lot width and lot depth standards for decades. She added she doesn't know how successful it would be to change the minimum lot size at this point.

Commissioner Forrest said in-fill housing is hard to compare. She added she supports density; however it needs to be appropriate for the lot size. Continuing Forrest acknowledged there is a trend to tear down and rebuild; however, there are arguments on both sides on what's right and what's wrong. Forrest suggested that instead of focusing on lot size maybe one should consider building size; what can be built etc., noting in many areas the "pocket neighborhood" would work but may not work so much in other neighborhoods.

Commissioner Staunton noted that 500-feet is used as the tool to establish neighborhood standards for lots in excess of 75-feet in width. Staunton asked if there was a better way to do this, adding 500-feet could be considered arbitrary. He noted at times people say the "neighborhood" is smaller than the 500-feet and other times the "neighborhood" needs to be expanded. Chair Grabiell agreed, adding he's not sure of a median width, depth or area formula.

Commissioner Schroeder said if the outcome of these discussions is to achieve the proper control mechanism for the City it may be of benefit to allow PUD's in the R-1 Zoning District as a way to "subdivide". This way the applicant needs to prove to the City there's a real benefit in granting the subdivision.

The discussion focused on combining lots. Planner Teague said it has been his experience that combining lots to build an overly large house happens rarely. However, Teague said he can understand concerns that this could occur.

Commissioner Staunton said it appears to be a solution in search of a problem when trying to be consistent with subdivision standards. The Ordinance appears to exempt large lots from the minimum lot requirements, adding one would think that same exemption would also hold true for the smaller lots. Continuing, Staunton said the Commission needs to be mindful that we can't rezone every lot in the City. Concluding Staunton said he agrees with the comment from Commissioner Schroeder that there needs to be some form of articulation on how subdivision benefits the City. Staunton said the City needs to find its

voice on this issue so people can get a sense of what to expect

Commissioner Fischer said he doesn't know how he feels about opening this up for PUD. He asked if a PUD could only be allowed in specific instances and not generally.

Chair Grabiell said the next step would be to have staff retool the ordinance and develop a ordinance that could use PUD as a subdivision method.

Planner Teague said from the discussion tonight it doesn't appear there's much support for the median adding that staff would look at addressing subdivision through the PUD process. Continuing, Teague noted that if the Commission takes this route the PUD option would be open to all R-1 zoned properties. Teague said the Commission should keep that in mind as they move forward.

VIII. REPORTS AND RECOMMENDATIONS

Chair Grabiell acknowledged receipt of the Council Connection and Attendance.

IX. CHAIR AND COMMISSION COMMENTS

None.

X. STAFF COMMENTS

None.

XI. ADJOURNMENT

Commissioner Scherer moved meeting adjournment at 9:00 pm. Commissioner Platteter seconded the motion. All voted aye; motion carried.

Jackie Hoogenakker
Respectfully submitted